

207007

Pearl & Leaf Rivers Rails-To-Trails Recreational District

"Longleaf Trace"
P.O. Box 15187
Hattiesburg, Mississippi 39404

ENTERED
Office of Proceedings

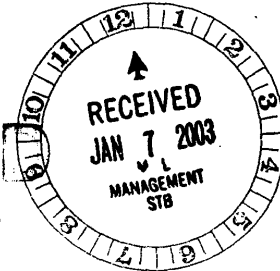
JAN 07 2003

Part of
Public Record

FILED

JAN 07 2003

SURFACE
TRANSPORTATION BOARD



December 31, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., NW, Room 711
Washington, DC 20423

Re: Canadian National/Illinois Central-Abandonment- Forrest County Mississippi, STB Docket Number AB-43 (Sub-no. 173-X)

Dear Secretary Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of The Pearl to Leaf Rivers Rails to Trails Recreational District, which is an inter-governmental agency (Authorized by the State of Mississippi, and composed of Jefferson Davis, Lamar, and Forrest counties, and the municipalities of Hattiesburg, Sumrall, Bassfield, and Prentiss), and which is hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost MH 0.66 and MH 3.06 (the entire portion being abandoned).

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question abuts the Longleaf Trace, (a 41 mile recreational trail owned and operated by the District), and would enable connecting the Trace (which ends at the University of Southern Mississippi (USM) on the north side of Hattiesburg) with downtown Hattiesburg, passing through several older neighborhoods. It would connect the Trace to a network of parks and walkways existing or planned for downtown and southern Hattiesburg, and allow much easier access to the Trace by several minority neighborhoods. In addition, the corridor contains important wildlife habitat and green space vital to adjacent neighborhood appearance, and its preservation as a recreational trail is consistent with preserving those ends. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

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B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, **The Pearl to Leaf Rivers Rails to Trails Recreational District** is willing to indemnify the railroad against any potential liability, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Canadian National/Illinois Central railroad.

The property, known as the "Central District Trackage" extends from railroad milepost MH 0.66 near USM to railroad milepost MH 3.06 near downtown Hattiesburg, a distance of 2.4 miles in Forrest County, Mississippi. The right-of-way is a line of railroad proposed for abandonment in STB Docket No. AB-43 (Sub-no. 173-X).

A map depicting the right-of-way is attached. (A copy of the map submitted in the petition for abandonment)

The Pearl to Leaf Rivers Rails to Trails Recreational District acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Canadian National/Illinois Central (at 455 North Cityfront Plaza Drive, Chicago IL 60611) by U.S. Mail; postage prepaid, first class, today, December 31st, 2002.

Respectfully submitted,



Name: Elmer Beardshall

On behalf of: **The Pearl to Leaf Rivers Rails to Trails Recreational District**

cc: Illinois Central
Stone Barefield
Lynn Cartledge
Herlon Pierce

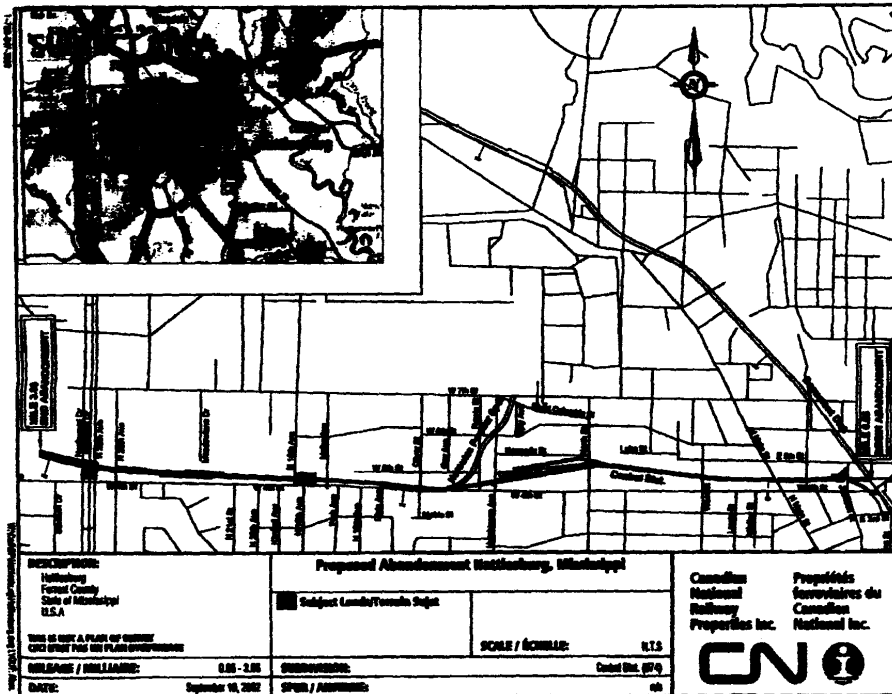


Exhibit 1